## DECL ATION FOR PATENT APPLICA .....N

Docket No. <u>A-1028</u>

: below named invento					
esidence post office a	address and citizenship are as s	stated below next to my name	•		
ieve I am the original w) of the subject matt	first and sole inventor (if only or er which is dairned and for whic _ the specification of which	ne name is listed below) or ar ch a patent is sought on the in	n original first and joint in nvention entitled <u>TIS</u>	ventor (if plural SSUE MARKIN	names are listed 3 DEVICE
ck one) [ ]	is attached hereto	- 10, 1004			
[X]	was filed on <u>Septembe</u> as Application Serial No.	08/308.097	<del>.</del>		
	and was amended on		(if applica	ble).	
indment referred to ab	reviewed and understand the coove.  to disclose to the Office all in eral Regulations, § 1.56.				
reby claim foreign pric	ority benefits under Title 35, Unitified below any foreign applicat	ted States Code, §119 of any tion for patent or inventor's ce	foreign application(s) for tificate having a filing o	or patent or inve late before that o	ntor's certificate listed of the application on
th priority is claimed.  r Foreign Application(	s)		Priority Cla [ ]Yes	imed []No	
(Number)	(Country)	(Day/Month/Year Filed)	[]Yes	[ ]No	
(Number)	(Country)	(Day/Month/Year Filed)	[]Yes	[ ]No	·
(Number)	(Country) t under Title 35, United States C	(Day/Month/Year Filed)			
e 37, Code of Federal e 37, Code of Federal e matignal filing date of	his application is not disclosed i 2, I acknowledge the duty to dis Regulations, §1.56 which becal	n the prior United States appr	tion known to me to be	material to pate	ntability as defined in
(Application Number)					
	ation Number)	(Filing Date)	(Status -patented, pen	ding, abandoned)	·
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ereby appoint the folion nected therewith: dress all telephone cadress all corresponder ereby declare that all true; and further that to prisonment, or both, use application or any page.	wing attorney(s) and/or agent(s)  Donald E. Stout  Ils to Donald E. Stout  Donald E. Stout  Peterson, Usa & 910 Calle Negoo San Clemente, statements made herein of my of these statements were made winder Section 1001 of Title 18 of tent issued Mereon.	(Filing Date) to prosecute this application t at telephone number (714) 3 t Myers cio, Suite 280 CA 92673-6201 own knowledge are true and the the knowledge that willful for the United States Code and the code of the code o	(Status -patented, pen and to transact all busi 66-3600 nat all statements made alse statements and the that such willful false st	e on information elike so made a	and belief are believed to re ounishable by fine or
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plicant or Patentee: ial or Patent No.:

Foerster et al 08/308.097

ed or issued:

16 September 1994

METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(e))-SMALL BUSINESS CONCERN

Docket No.: <u>A-1028</u>

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ereby declare that I am

the owner of the small business concern identified below. an official of the small business concern empowered to act on behalf of the concern identified below.

ME OF SMALL BUSINESS CONCERN DRESS OF SMALL BUSINESS CONCERN

Biopsys Medical, Inc.

27130 A Paseo Espada, Suite 1424 San Juan Capistrano, CA 92675

ereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced 37 CFR 1.9(d), for purposed of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the noem, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business noem is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power

while the colles, or a train party or parties controls or has the power to control both.
ereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to inventor(s):  Seth A. Foerster, Fred H. Burbank, Mark A. Ritchart, and Elias A. Zerhouni
the specification filed herewith application serial no. <u>08/308,097</u> , filed <u>16 September 1994</u> patent no issued
heights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the rention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent rentor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or partization having rights to the invention averting to their status as small entities. (37 CFR 1.27)
MEN. DORESS
INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION  ME
DOPESS
INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION
cknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior

paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer propriate. (37 CFR 1.28(b))

ereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or prisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of e application, any patent issuing thereon, or any patent to which this verified statement is directed.

₹ME OF PERSON SIGNING	Steven L. Gex
TLE OF PERSON IF OTHER THAN OWNER	President
DDRESS OF PERSON SIGNING	27130 A Paseo Espada, Suite 1424, San Juan Capistrano, CA 92675
GNATURE X	DATE X 10/4/14

licant or Patentee: ial or Patent No.:

Docket No. A-1028

d or Issued:

Foerster et al
08/308,097
16 September 1994
METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE

## VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

		(37 C.F.R. 1.9(f) & 1.2	7(b))-INDEPENDE	NT INVENTOR			
uced fees under	r section 41(a)	reby declare that I qualify as an ) and (b) of Title 35, United Stat CES FOR MARKING AND DEFI	es Code, to the Par	lent and Trademark (	C.F.R. 1.9(c) for pu Office with regard t	rposes of paying to the invention	
the specification application seri patent no	ial no. <u>08/,30</u>	8.097 , filed <u>16 September 199</u>	4				
rights in the inv	vention to any n, or to any con	nveyed or licensed and am undo person who could not be classi ncem which would not qualify as (e).	fied as an independ	dent inventor under 3	7 C.F.R. 1.9(c) if t	hat person had	
th person, conor to assign, gran	em or organizat, convey, or li	ation to which I have assigned, icense any rights in the inventio	granted, conveyed, n is listed below:	or licensed or am ur	nder an obligation	under contract or	
		oncem, or organization or organizations listed below*					
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lieved to be true;	; and further th or imprisonme	nts made herein of my own known nat these statements were made ent, or both, under section 1001 application, any patent issuing	with the knowledg of Title 18 of the U	e that willful false sta nited States Code, a	etements and the and that such willfu	ike so made are I false statements	
<u>ETH A. FOERST</u> WIE OF INVENT		FRED H. BURBANK NAME OF INVENTOR	MARK A. I		ELIAS/A Z		
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